

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2006

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: N/A

Staff Contact Person: Ronda Norman & Jose Papa

AGENDA ITEM WORDING:

A public hearing to consider a transmittal resolution to the Department of Community Affairs (DCA) to amend the Future Land Use Map (FLUM) from Residential Conservation (RC) to Conservation (C) for 00117510.000100 (Land Authority property) and from Conservation (C) to Mixed Use/Commercial (MC) for 00117510.000200 (Earth and Sea).

(1st continued of 2 required public hearings)

ITEM BACKGROUND:

The Planning Department is requesting an amendment to the Future Land Use Map (FLUM) for the purpose of correcting a data error. This amendment will make the historical use of the land and the land use designation of the parcel owned by Earth and Sea consistent with the FLUM, thus increasing redevelopment potential and allowing the property to conform to use. Further the ownership and use of the parcel owned by the Monroe County Land Authority will become consistent with the FLUM.

The BOCC previously heard this item (transmittal hearing) on July 20, 2005. Although a public hearing was duly advertised and opened, after reviewing the tapes of the public hearing, the County Attorney's office determined that no motion and action was taken to approve the transmittal resolution. Therefore, staff has rescheduled this item for a transmittal hearing and approval of the transmittal resolution. This would allow staff to transmit the amendment to DCA, and after receiving and responding to comments from DCA, staff will schedule the amendment for a second public hearing (adoption hearing).

PREVIOUS RELEVANT BOCC ACTION:

July 20, 2005-BOCC held a public hearing on proposed amendment to Future Land Use Map.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty X OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:


Ronda Norman

DOCUMENTATION: Included X Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

**MONROE COUNTY FUTURE LAND USE MAP AMENDMENTS
FOR TWO NEIGHBORING PARCELS ON UPPER SUGARLOAF KEY**

**FROM CONSERVATION (C) TO MIXED USE/COMMERCIAL (MC) AND
FROM RESIDENTIAL CONSERVATION (RC) TO CONSERVATION (C)**

**BOARD OF COUNTY COMMISSIONERS
KEY WEST**

**A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT TO
AMEND THE FUTURE LAND USE MAP
FROM RC TO C FOR 00117510.000100 (LAND AUTHORITY) AND
FROM C TO MC FOR 00117510.000200 (EARTH AND SEA).**

RECOMMENDATIONS

Staff: **Approval**
DRC: **Approval**
PC: **Approval**

February 25, 2005
March 10, 2005
May 11, 2005

Staff Report
Resolution #D -05
Resolution #P -05

DRAFT BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO.-

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FUTURE LAND USE MAP FROM RESIDENTIAL CONSERVATION (RC) TO CONSERVATION (C) FOR 00117510.000000 AND FROM CONSERVATION (C) TO MIXED USE/COMMERCIAL (MC) FOR 00117510.000200 FOR PROPERTIES LOCATED AT 25 66 27 SUGARLOAF KEY PART GOVERNMENT LOT 5 AKA LOTS 2 AND 3 BLOCK 1, SUGARLOAF ACRES SECTION ONE, SUGARLOAF KEY, FLORIDA, APPROXIMATE MILE MARKER 19.

WHEREAS, the Monroe County Board of County Commissioners held a public hearing on July 20, 2005 for the purpose of considering the transmittal to the Florida Department of Community affairs, for review and comment of a proposed amendment to the Future Land Use Map for the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, the Planning Staff, Development Review Committee, Planning Commission and Monroe County Board of County Commissioners support the requested Future Land Use designation change;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

- Section 1.** The Board of County Commissioners does hereby adopt the recommendation of the Monroe County Department of Planning and Environmental Resources pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment; and
- Section 2.** The Board of County Commissioners does hereby transmit the proposed amendment as part of the second set of comprehensive plan map amendments for 2006 to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Sections 163.184 and 380.0522, Florida Statutes; and
- Section 3.** The Monroe County Staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.0006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 19th day of April, 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray Nelson
Commissioner Dixie Spehar
Commissioner George Neugent
Commissioner David P. Rice

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK



DEPUTY CLERK

DRAFT BOCC ORDINANCE

ORDINANCE NO. 2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE FUTURE LAND USE DESIGNATION FROM RC TO C FOR 00117510.000100 (LAND AUTHORITY) AND FROM C TO MC FOR 00117510.000200 (EARTH AND SEA) FOR PROPERTIES LOCATED AT 25 66 27 SUGARLOAF KEY PART GOV LOT 5 AKA LOTS 2 AND 3 BLOCK 1, SUGARLOAF ACRES SECTION ONE, SUGARLOAF KEY, FLORIDA, APPROXIMATE MILE MARKER 19.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on July 20, 2005, conducted a review and consideration of the request filed by Monroe County Planning Department to amend the Future Land Use Map from Residential Conservation to Conservation for 00117510.000100 (Land Authority) and from Conservation to Mixed Use/Commercial for 00117510.000200 (Earth and Sea); and

WHEREAS, the Development Review Committee, during a public meeting held in Marathon on March 10, 2005, recommended approval of the application to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing in Marathon on May 11, 2005, recommended approval of the application to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners further reviewed the application and made the following **Finding of Facts**:

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on item number iii of Section 9.5-511(d)(5) which cites "data errors" as a viable reason to pursue a map amendment and zoning change. Based on the close proximity of the year the neighboring parcel was purchased by the Land Authority and the creation of the Future Land Use Map as well as the historical use of the subject parcel; staff confidently believes the FLUM Designation of Conservation was intended for the neighboring parcel (00117510.000100).

3. The pre-1986 zoning of 00117510.000200 was General Use (GU) and Business Use-2Q (BU-2Q). These designations are consistent with the established commercial use of the property. The pre-1986 zoning of 00117510.000100 was General Use (GU).
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use (zoning) district of the 00117510.000200 was changed from BU-2Q to Suburban Commercial (SC) and the land use (zoning) district of the 00117510.000100 was changed from GU to Native Area (NA).
5. **Section 9.5-206** of the Land Development Regulations indicate that the purpose of the Suburban Commercial (SC) district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. **Section 9.5-210** of the Land Development Regulations indicates that the purpose of the Native Area (NA) district is to establish areas that are undisturbed with the exception of existing solid waste facilities and because of their sensitive environmental character should be preserved in their natural state.
6. The current commercial/retail/residential/storage uses of the 00117510.000200 property dates back to the early 80's, as evidenced by Building Permit # 117510 issued to Tropical Marine Center, and is reflective of the previous zoning categories of GU and BU-2Q. Based on the established use of the property, the Suburban Commercial zoning designation is the most appropriate zoning designation for the subject property.
7. The FLUM of the Monroe County Year 2010 Comprehensive Plan designates 00117510.000200 as Conservation (C). The FLUM of the Monroe County Year 2010 Comprehensive Plan designates 00117510.000100 as Residential Conservation (RC).
8. **Policy 101.4.19** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Residential Conservation (RC) land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. **Policy 101.4.15** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Conservation land use designation is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this designation shall be allowed. This constrains potential renovation or expansion of uses of parcel 00117510.000200, yet is consistent with the ownership and use of the neighboring parcel 00117510.000100.

9. Subsequent to the adoption of the FLUM and Comprehensive Plan future commercial and residential development in the Conservation (C) districts were prohibited and any existing commercial and storage uses on the 00117510.000200 property became non-conforming.
10. **Policy 105.1.4** of the Monroe County Year 2010 Comprehensive Plan states that “Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape”.
11. The **Mixed Use/Commercial (MC)** Future Land Use designation corresponds with the land use zoning designation, **Suburban Commercial (SC)**. The MC Future Land Use designation is the most appropriate FLUM Designation for the 00117510.000200 property. Further, staff feels the parcel was intended to have this MC designation and the 00117510.000100 parcel was intended to have the C designation.
12. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing uses of residential/commercial/retail/storage parallel the historical uses of the property. Further, the neighboring development which has a SC land use designation and MC future land use designation contains a mixture of uses very similar to the 00117510.000200 parcel.

WHEREAS, the Board of County Commissioners made the following **Conclusions of Law**:

1. This map amendment meets the third (iii) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the properties or the immediate vicinity.
2. The proposed map amendments are supported by and consistent with **Policy 105.1.4** which will ultimately make the uses of the subject property (00117510.000200) consistent with the land use and future land use classification of permitted uses of the MC Designation and the adjacent property (00117510.000100) consistent with the ownership and use of the C Designation.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT

Section1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is approved by the Department of Community Affairs or Administration Commission approving the ordinance.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the _____ day of _____, A.D., 2005.

Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner Murray Nelson	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

BY _____
Mayor/Chairperson

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK



DEPUTY CLERK



Proposed Future Land Use Map Amendment: Street Map

Key: Sugarloaf Key

Mile Marker: 19.5

Proposal: Change Future Land Use District from Residential Conservation (RC) to Conservation (C) and Conservation (C) to Mixed Use Commercial (MC).

Property Description: RE 00117510.000200 and 00117510.000100

Map Amendment: M25068

Land Use District Map #: 467



Proposed Future Land Use Map Amendment: Aerial

Key: Sugarloaf Key

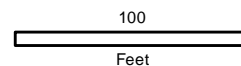
Mile Marker: 19.5

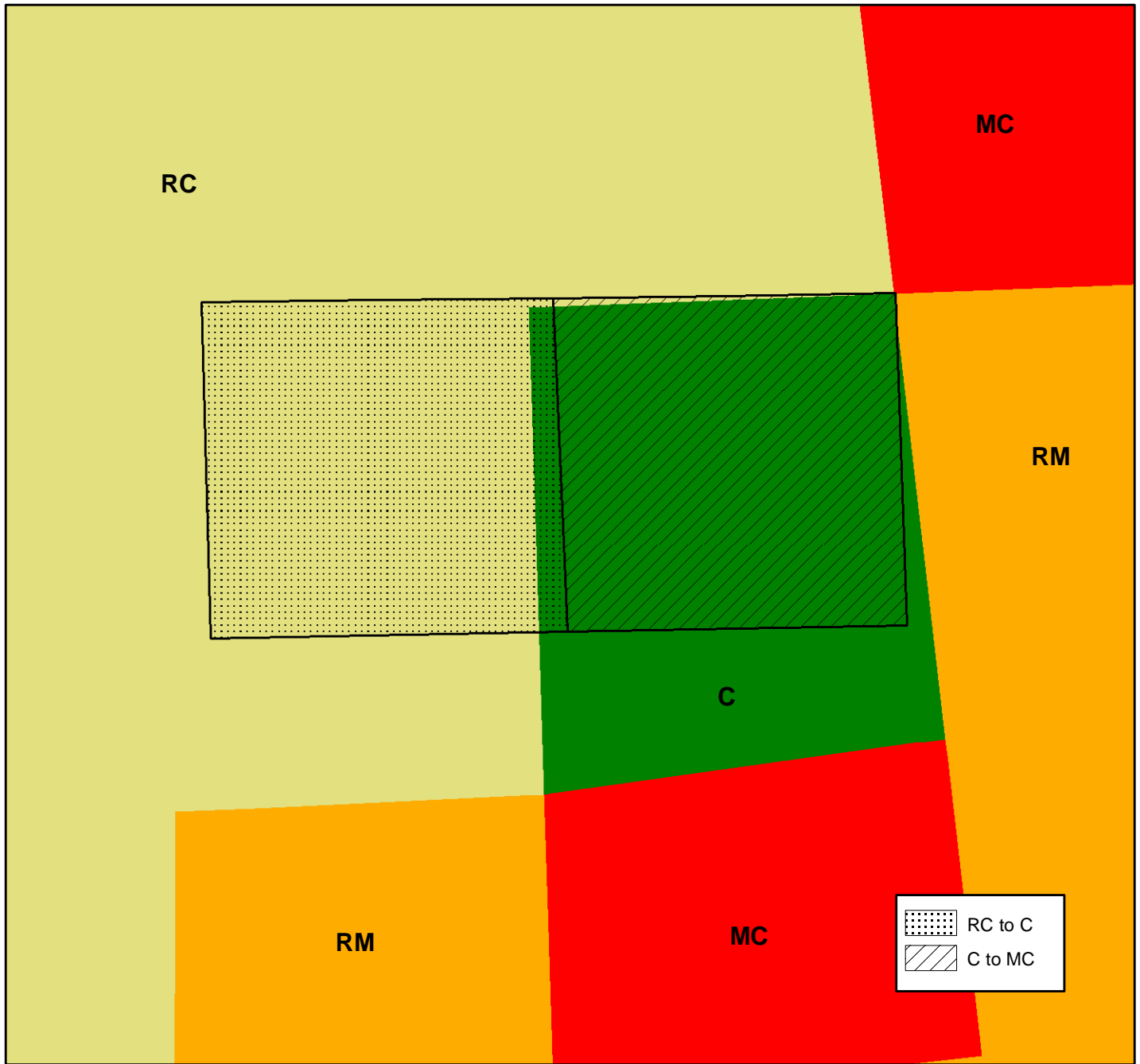
Proposal: Change Future Land Use District from Residential Conservation (RC) to Conservation (C) and Conservation (C) to Mixed Use Commercial (MC).

Property Description: RE 00117510.000200 and 00117510.000100

Map Amendment: M25068

Land Use District Map #: 467





**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

Key: Sugarloaf Key

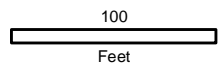
Mile Marker: 19.5

Proposal: Change Future Land Use District from Residential Conservation (RC) to Conservation (C) and Conservation (C) to Mixed Use Commercial (MC).

Property Description: RE 00117510.000200 and 00117510.000100

Map Amendment: M25068

Land Use District Map #: 467



BOCC STAFF REPORT

MEMORANDUM

TO: Board of County Commissioners
FROM: K. Marlene Conaway
RE: Request for Future Land Use Map Amendments
DATE: May 23, 2005
MEETING DATE: July 20, 2005

EXISTING FUTURE LAND USE DESIGNATION: Conservation (C)
PROPOSED FUTURE LAND USE DESIGNATION: MixedUse/Commercial (MC)
EXISTING ZONING DESIGNATION: Suburban Commercial (SC)
PROPOSED ZONING DESIGNATIONS: None Proposed
PROPERTY OWNER: Midge Jolly and Tom Weyant (Earth and Sea)
AGENT: Monroe County Planning Department (Staff Sponsored)

PROPERTY INFORMATION

Key: Upper Sugarloaf
Size: 44,298 square feet (1.02 acres)
Mile Marker: 19
RE #: 00117510.000200

EXISTING FUTURE LAND USE DESIGNATION: Residential Conservation (RC)
PROPOSED FUTURE LAND USE DESIGNATION: Conservation (C)
EXISTING ZONING DESIGNATION: Native Area (NA)
PROPOSED ZONING DESIGNATIONS: None Proposed

PROPERTY OWNER: Monroe County Land Authority

AGENT: Monroe County Planning Department (Staff Sponsored)

PROPERTY INFORMATION

Key: Upper Sugarloaf

Size: 44,298 square feet (1.02 acres)

Mile Marker: 19

RE #: 00117510.000100

Location Detail & Brief Description:

The sites are located on Upper Sugarloaf Key approximately four-fifths of a mile North of US1. The entry drives are on Crane Boulevard. Mad Bob Road runs parallel to the South.

Existing Habitat:

00117510.000200 The property is completely developed.
00117510.000100 Mangrove wetland area with some upland vegetation in the southern portion.

Existing Use:

00117510.000200 Residential/Commercial/Retail/Storage
00117510.000100 Vacant

Neighboring Land Uses and Character: The area is characterized by a number of different commercial, residential and recreational/leisure uses; as well as vacant lands.



The properties to the North, northwest, northeast, and the West (00117510.000100) are vacant vegetated lots and have a Future Land Use Designation of Residential Conservation (RC).



The properties to the East contain the development commonly referred to as the Binsky Building (DO #14-01). This development contains a mixture of office, storage and affordable housing. The Future Land Use Designation is Mixed Use/Commercial (MC).

The property to the southwest contains the Sugarloaf Club, Inc. This site contains a mixture of recreational and leisure activities. The Future Land Use designation is Residential Medium (RM).

The property to the southeast contains a residential unit. The Future Land Use Designation is Residential Medium (RM)

LAND USE HISTORY AND ZONING HISTORY

Parcel - 00117510.000200

LAND USE HISTORY

The following chronology is intended to summarize the major procedural events and permit history of the subject property (00117510.000200) that is appropriate to the requested amendment.

Prior to the issuance of permits the 1977 property record card indicates there was an existing 12' X 19' patio. The first Monroe County permit was issued in 1976 with a total of three permits issued that year. The first (#A-1453) was issued in August for the installation of the foundation with auger holes and concrete columns. Later that month, a permit (#A-1508) for a new storage area was added to the existing patio. In November, a permit (#A-1725) was issued for an elevated single family residence with a wrap around porch. In 1977, a permit (#A-1963) was issued to enclose the West end of the single-family residence with blow out walls for storage (16' X 32'). In 1982, a final permit was issued (#A10-977) for the construction of a 2,000 square foot porch awning. The name on the permit was Tropical Marine Center.

ZONING HISTORY

The original zoning classification was General Use (GU). The GU district was established as "an interim land classification pending action to rezone the property to a residential, business or industrial classification" (Sec. 19-178, Monroe County Code, 1984).

The parcel was rezoned BU-2Q to reflect the commercial activity on the first floor. The business district was “intended to provide areas in which customary and traditional conduct of trade and commerce may be carried on without disruption by the encroachment and intrusion of incompatible uses, and protected from the adverse effects of undesirable industrial uses” (Monroe County Code, Effective, October 1, 1979, Sec. 19-217).

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations the subject property was redesignated as Suburban Commercial (SC). “The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1” (Monroe County Land Development Regulations, Sec. 9.5-207).

The SC district permits storage areas less than twenty-five (25) percent and attached residential dwellings with less than six (6) units designated as employee housing as of right and commercial retail of low to medium intensity as a minor conditional use. In conclusion, the uses at the time paralleled the permitted uses with the exception that the existing housing was single-family; not employee.

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan.

Parcel - 00117510.000100

The following chronology is intended to summarize the major procedural events and permit history of the subject property (00117510.000100) that is appropriate to the requested amendment.

LAND USE HISTORY

A Monroe County building permit search indicates that this parcel has never received a building permit.

ZONING HISTORY

The original zoning classification was General Use (GU). The GU district was established as “an interim land classification pending action to rezone the property to a residential, business or industrial classification” (Sec. 19-178, Monroe County Code, 1984).

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations the subject property was redesignated as Native Area (NA). “The

purpose of the NA district is to establish areas that are undisturbed with the exception of existing solid waste facilities and because of their sensitive environmental character should be preserved in their natural state.”

The applicant, Mr. Kluglein and his agent, Mr. Halpern requested a zone change from NA to SC at the January 25, 1994 Development Review Committee Meeting. The applicant was denied the zone change. At an April 7, 1994 Planning Commission meeting, the applicant was denied again. Later that year, Board of County Commissioner action sold the property to the Monroe County Land Authority.

ANALYSIS AND RATIONALE FOR CHANGE

Changed Projections or Assumptions: None.

Data Errors: Yes.

The C designation was intended for the 00117510.000100 parcel, but was accidentally given to the 00117510.000200. The Conservation designation is designed to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. 00117510.000100 became publicly owned when purchased by the Monroe County Land Authority in 1994.

00117510.000200 should have the MC designation and is supported by the following findings; first, the adjacent parcel to the East has a FLUM designation of MC and second, a draft FLUM designated 00117510.000200 as Commercial (C:C). The historical use of the property, the surrounding FLUM designation, and the draft FLUM support the MC designation.

New Issues: None.

Recognition of a Need for Additional Detail or Comprehensiveness: None.

IMPACT AND POLICY ANALYSIS

Comparison of Development Potential for the Current and Proposed Land Uses:

1. Current Land Development Regulations (LDR's)

Planning Staff is requesting that the FLUM for 00117510.000200 be amended to the land use designation of Mixed Use/Commercial (MC), which parallels the current land use classification of SC and the historical and present utilization of the property.

Policy 101.4.5 states that the principal purpose of the Mixed Use/ Commercial (MC) land use designation is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

This land use designation is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and nonresidential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use designation:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

Policy 101.4.15 states that the purpose of the Conservation (C) District designation is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this designation shall be allowed.

The Conservation (C) designation severely constrains the residential, commercial, retail and storage development potentials of the 00117510.000200 property, however matches the ownership requirements of the Conservation district for the 00117510.000100 property. 00117510.000200 has been utilized (as is evidenced by 1986 aerial photo, 1983 Permit # 117510, electric account in the name of Timothy Jones with a start date of 05/06/1982 and end date of 09/05/2001) as a commercial use for over twenty years. The proposed map amendment Designation of MC will allow the property to become conforming as to use. This will also increase the redevelopment potential for the subject property and provide opportunities for improvements to occur.

Compatibility with Adjacent Land Uses and Effects on Community Character:

The proposed map amendment is not in conflict with the community character based on the following findings:

Density and Intensity

The 00117510.000200 property has been in use as a residential, commercial, and storage area for many years. The proposed map amendment to MC will reflect the existing density and intensity of use in a more accurate manner than the current C Designation. Therefore, the map amendment will not be in conflict with the community character of the immediate vicinity which is a mix of uses, mostly commercial with the exception of the area northwest of the property that remains vacant.

Use Compatibility

The current use of the 00117510.000200 property is consistent with the mix of uses, including the neighboring commercial/office uses and the newly developed residential sites found in the immediate vicinity. The map amendment will not create a conflict with community character based on use compatibility. Any future redevelopment of the site that would involve a change of use would require planning review and a possible amendment to a conditional use if deemed necessary by the Director of Planning.

Local Traffic and Parking

The uses are existing; the map amendment will have no impact on “Local Traffic or Parking”.

Effects on Natural Resources

The 00117510.000200 property proposed for the map amendment is completely developed. The proposed map changes will not adversely impact environmentally sensitive lands or natural resources. Should the property become conforming as to use and apply for substantial improvements any non-compliant aspects of the property such as but not limited to, side yard setbacks, wastewater treatment, etc. and would have to be brought into compliance to the furthest extent practicable.

Effects on Public Facilities

The 2004 Monroe County Public Facilities Capacity Assessment Report indicates that the adequacy of public facilities would not be impacted in a negative manner if the proposed map amendment is approved and enacted.

Consequences of a denial of the proposed map amendments

The 00117510.000200 property would continue to be non-conforming with the associated limitations with regard to redevelopment.

The inability to pursue substantial improvements or redevelopment will create potential for unsafe structures, possible degradation of near-shore waters as a result of substandard wastewater treatment facilities, and poor surface water management.

There would be no consequence for the 00117510.000100, which is owned by the Land Authority. However, the Conservation designation is consistent with the ownership, permitted uses and purpose of land owned by the Land Authority.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on item number iii of Section 9.5-511(d)(5) which cites “data errors” as a viable reason to pursue a map amendment and zoning change. Based on the close proximity of the year the neighboring parcel was purchased by the Land Authority and the creation of the Future Land Use Map as well as the historical use of the subject parcel; staff confidently believes the FLUM Designation of Conservation was intended for the neighboring parcel (00117510.000100).
3. The pre-1986 zoning of 00117510.000200 was General Use (GU) and Business Use-2Q (BU-2Q). These designations are consistent with the established commercial use of the property. The pre-1986 zoning of 00117510.000100 was General Use (GU).
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use (zoning) district of the 00117510.000200 was changed from BU-2Q to Suburban Commercial (SC) and the land use (zoning) district of the 00117510.000100 was changed from GU to Native Area (NA).
5. **Section 9.5-206** of the Land Development Regulations indicate that the purpose of the Suburban Commercial (SC) district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. **Section 9.5-210** of the Land Development Regulations indicates that the purpose of the Native Area (NA) district is to establish areas that are undisturbed with the exception of existing solid waste facilities and because of their sensitive environmental character should be preserved in their natural state.
6. The current commercial/retail/residential/storage uses of the 00117510.000200 property dates back to the early 80’s, as evidenced by Building Permit # 117510 issued to Tropical Marine Center, and is reflective of the previous zoning categories of GU and BU-2Q. Based on the established use of the property, the Suburban Commercial zoning designation is the most appropriate zoning designation for the subject property.
7. The FLUM of the Monroe County Year 2010 Comprehensive Plan designates 00117510.000200 as Conservation (C). The FLUM of the Monroe County Year 2010 Comprehensive Plan designates 00117510.000100 as Residential Conservation (RC).

8. **Policy 101.4.19** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Residential Conservation (RC) land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. **Policy 101.4.15** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Conservation land use designation is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this designation shall be allowed. This constrains potential renovation or expansion of uses of parcel 00117510.000200, yet is consistent with the ownership and use of the neighboring parcel 00117510.000100.
9. Subsequent to the adoption of the FLUM and Comprehensive Plan future commercial and residential development in the Conservation (C) districts were prohibited and any existing commercial and storage uses on the 00117510.000200 property became non-conforming.
10. **Policy 105.1.4** of the Monroe County Year 2010 Comprehensive Plan states that “Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape”.
11. The **Mixed Use/Commercial (MC)** Future Land Use designation corresponds with the land use zoning designation, **Suburban Commercial (SC)**. The MC Future Land Use designation is the most appropriate FLUM Designation for the 00117510.000200 property. Further, staff feels the parcel was intended to have this MC designation and the 00117510.000100 parcel was intended to have the C designation.
12. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing uses of residential/commercial/retail/storage parallel the historical uses of the property. Further, the neighboring development which has a SC land use designation and MC future land use designation contains a mixture of uses very similar to the 00117510.000200 parcel.

CONCLUSIONS OF LAW:

1. This map amendment meets the third (iii) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the properties or the immediate vicinity.
2. The proposed map amendments are supported by and consistent with **Policy 105.1.4** which will ultimately make the uses of the subject property (00117510.000200) consistent with the land use and future land use classification of permitted uses of the MC Designation and the adjacent property (00117510.000100) consistent with the ownership and use of the C Designation.

RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, the Planning and Environmental Resources Department, Development Review Committee and the Planning Commission recommends **APPROVAL** to the Board of County Commissioners for the proposed Future Land Use Map amendment from Conservation (C) to Mixed Use/Commercial (MC) for parcel 00117510.000200 and the neighboring parcel (00117510.000100) from Residential Conservation (RC) to Conservation (C).

DRAFT PLANNING COMMISSION RESOLUTION # P -05



RESOLUTION NO. P -05

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION **APPROVING** THE REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE FUTURE LAND USE DESIGNATION FROM RC TO C FOR 00117510.000100 (LAND AUTHORITY) AND FROM C TO MC FOR 00117510.000200 (EARTH AND SEA) FOR PROPERTIES LOCATED AT UPPER SUGARLOAF KEY HAVING REAL ESTATE NUMBERS 00117510.000100 AND 00117510.000200 AT APPROXIMATE MILE MARKER 19.

WHEREAS, the Planning Commission, during a regular meeting held on May 11, 2005, conducted a review and consideration of the request filed by the Development Review Committee to recommend approval of the application to the Board of County Commissioners to amend the Future Land Use Map from Residential Conservation to Conservation for 00117510.000100 (Land Authority) and from Conservation to Mixed Use/Commercial for 00117510.000200 (Earth and Sea); and

WHEREAS, the Development Review Committee, during a public meeting held in Marathon on March 10, 2005, conducted a review of the request filed by the Planning Department to amend the Future Land Use Map Designation from RC to C for 00117510.000100 (LAND AUTHORITY) and from C to MC for 00117510.000200 (EARTH AND SEA) and recommended approval of the application to the Planning Commission; and

WHEREAS, the Planning Commission further reviewed the application and made the following **Finding of Facts**:

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.

2. This map amendment is predicated on item number iii of Section 9.5-511(d)(5) which cites “data errors” as a viable reason to pursue a map amendment and zoning change. Based on the close proximity of the year the neighboring parcel was purchased by the Land Authority and the creation of the Future Land Use Map as well as the historical use of the subject parcel; staff confidently believes the FLUM Designation of Conservation was intended for the neighboring parcel (00117510.000100).
3. The pre-1986 zoning of 00117510.000200 was General Use (GU) and Business Use-2Q (BU-2Q). These designations are consistent with the established commercial use of the property. The pre-1986 zoning of 00117510.000100 was General Use (GU).
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use (zoning) district of the 00117510.000200 was changed from BU-2Q to Suburban Commercial (SC) and the land use (zoning) district of the 00117510.000100 was changed from GU to Native Area (NA).
5. **Section 9.5-206** of the Land Development Regulations indicate that the purpose of the Suburban Commercial (SC) district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. **Section 9.5-210** of the Land Development Regulations indicates that the purpose of the Native Area (NA) district is to establish areas that are undisturbed with the exception of existing solid waste facilities and because of their sensitive environmental character should be preserved in their natural state.
6. The current commercial/retail/residential/storage uses of the 00117510.000200 property dates back to the early 80’s, as evidenced by Building Permit # 117510 issued to Tropical Marine Center, and is reflective of the previous zoning categories of GU and BU-2Q. Based on the established use of the property, the Suburban Commercial zoning designation is the most appropriate zoning designation for the subject property.
7. The FLUM of the Monroe County Year 2010 Comprehensive Plan designates 00117510.000200 as Conservation (C). The FLUM of the Monroe County Year 2010 Comprehensive Plan designates 00117510.000100 as Residential Conservation (RC).
8. **Policy 101.4.19** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Residential Conservation (RC) land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. **Policy 101.4.15** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Conservation land use designation is to provide for publicly owned lands held

primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this designation shall be allowed. This constrains potential renovation or expansion of uses of parcel 00117510.000200, yet is consistent with the ownership and use of the neighboring parcel 00117510.000100.

9. Subsequent to the adoption of the FLUM and Comprehensive Plan future commercial and residential development in the Conservation (C) districts were prohibited and any existing commercial and storage uses on the 00117510.000200 property became non-conforming.
10. **Policy 105.1.4** of the Monroe County Year 2010 Comprehensive Plan states that “Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape”.
11. The **Mixed Use/Commercial (MC)** Future Land Use designation corresponds with the land use zoning designation, **Suburban Commercial (SC)**. The MC Future Land Use designation is the most appropriate FLUM Designation for the 00117510.000200 property. Further, staff feels the parcel was intended to have this MC designation and the 00117510.000100 parcel was intended to have the C designation.
12. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing uses of residential/commercial/retail/storage parallel the historical uses of the property. Further, the neighboring development which has a SC land use designation and MC future land use designation contains a mixture of uses very similar to the 00117510.000200 parcel.

WHEREAS, the Planning Commission made the following Conclusions of Law:

1. This map amendment meets the third (iii) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the properties or the immediate vicinity.
2. The proposed map amendments are supported by and consistent with **Policy 105.1.4** which will ultimately make the uses of the subject property (00117510.000200) consistent with the land use and future land use classification of permitted uses of the MC Designation and the adjacent property (00117510.000100) consistent with the ownership and use of the C Designation.

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support the decision to **APPROVE** the request of the Planning Department and Development Review Committee for the proposed Future Land Use Map amendment from Conservation (C) to Mixed Use/Commercial (MC) for parcel 00117510.000200 and the neighboring parcel (00117510.000100) from Residential Conservation (RC) to Conservation (C) for properties located at 25 66 27 Sugarloaf Key Part Government Lot 5 AKA lots 2 and 3 Block 1, Sugarloaf Acres Section One, Sugarloaf Key, Florida.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 11th day of May, 2005.

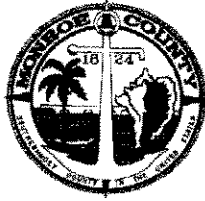
Chair Lynn Mapes	<u>YES</u>
Vice-Chair Denise Werling	<u>YES</u>
Commissioner Jiulio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>
Commissioner Randy Wall	<u>YES</u>

PLANNING COMMISSION OF
MONROE COUNTY, FLORIDA

BY: _____
Lynn Mapes, Chair

Signed this _____ day of _____, 2005

DEVELOPMENT REVIEW COMMITTEE RESOLUTION #D -05



RESOLUTION NO. D -05

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE **APPROVING** THE REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND THE FUTURE LAND USE DESIGNATION FROM RC TO C FOR 00117510.000100 (LAND AUTHORITY) AND FROM C TO MC FOR 00117510.000200 (EARTH AND SEA) FOR PROPERTIES LOCATED AT UPPER SUGARLOAF KEY, APPROXIMATE MILE MARKER 19.

WHEREAS, the Development Review Committee, during a regular meeting held on March 10, 2005, conducted a review and consideration of the request filed by the Planning Department to recommend approval of the application to the Planning Commission to amend the Future Land Use Map Designation from RC to C for 00117510.000100 (LAND AUTHORITY) and from C to MC for 00117510.000200 (EARTH AND SEA); and

WHEREAS, the Development Review Committee, reviewed the Staff Report prepared by Heather Beckmann, Planner and Andrew Omar Trivette, Senior Biologist dated February 25, 2005; and

WHEREAS, the Development Review Committee made the following **Finding of Facts**:

1. **Section 9.5-511 (d)(5) b.** of the Monroe County Land Development Regulations allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. This map amendment is predicated on item number iii of Section 9.5-511(d)(5) which cites "data errors" as a viable reason to pursue a map amendment and zoning change. Based on the close proximity of the year the neighboring parcel was purchased by the Land Authority and the creation of the Future Land Use Map as well as the historical use of the subject parcel; staff confidently believes

the FLUM Designation of Conservation was intended for the neighboring parcel (00117510.000100).

3. The pre-1986 zoning of 00117510.000200 was General Use (GU) and Business Use-2Q (BU-2Q). These designations are consistent with the established commercial use of the property. The pre-1986 zoning of 00117510.000100 was General Use (GU).
4. During the 1986 revisions to the Land Development Regulations and land use designations, the land use (zoning) district of the 00117510.000200 was changed from BU-2Q to Suburban Commercial (SC) and the land use (zoning) district of the 00117510.000100 was changed from GU to Native Area (NA).
5. **Section 9.5-206** of the Land Development Regulations indicate that the purpose of the Suburban Commercial (SC) district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. **Section 9.5-210** of the Land Development Regulations indicates that the purpose of the Native Area (NA) district is to establish areas that are undisturbed with the exception of existing solid waste facilities and because of their sensitive environmental character should be preserved in their natural state.
6. The current commercial/retail/residential/storage uses of the 00117510.000200 property dates back to the early 80's, as evidenced by Building Permit # 117510 issued to Tropical Marine Center, and is reflective of the previous zoning categories of GU and BU-2Q. Based on the established use of the property, the Suburban Commercial zoning designation is the most appropriate zoning designation for the subject property.
7. The FLUM of the Monroe County Year 2010 Comprehensive Plan designates 00117510.000200 as Conservation (C). The FLUM of the Monroe County Year 2010 Comprehensive Plan designates 00117510.000100 as Residential Conservation (RC).
8. **Policy 101.4.19** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Residential Conservation (RC) land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. **Policy 101.4.15** of the Monroe County Year 2010 Comprehensive Plan states that the purpose of the Conservation land use designation is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this designation shall be allowed. This constrains potential renovation or expansion of uses of parcel 00117510.000200, yet is consistent with the ownership and use of the neighboring parcel 00117510.000100.

9. Subsequent to the adoption of the FLUM and Comprehensive Plan future commercial and residential development in the Conservation (C) districts were prohibited and any existing commercial and storage uses on the 00117510.000200 property became non-conforming.
10. **Policy 105.1.4** of the Monroe County Year 2010 Comprehensive Plan states that “Monroe County shall prepare redevelopment standards and amend the Land Development Regulations to address the large number of non-conforming commercial structures that are non-compliant as to on-site parking, construction and shoreline setbacks, stormwater management, landscaping and buffers. By identifying the existing character and constraints of the different island communities, regulations can be adopted that provide incentives for redevelopment and permit the continuance of businesses while moving towards an integrated streetscape”.
11. The **Mixed Use/Commercial (MC)** Future Land Use designation corresponds with the land use zoning designation, **Suburban Commercial (SC)**. The MC Future Land Use designation is the most appropriate FLUM Designation for the 00117510.000200 property. Further, staff feels the parcel was intended to have this MC designation and the 00117510.000100 parcel was intended to have the C designation.
12. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing uses of residential/commercial/retail/storage parallel the historical uses of the property. Further, the neighboring development which has a SC land use designation and MC future land use designation contains a mixture of uses very similar to the 00117510.000200 parcel.

WHEREAS, the Development Review Committee made the following
Conclusions of Law:

1. This map amendment meets the third (iii) criteria outlined in **Section 9.5-511** of the Monroe County Land Development Regulations and will not have a negative impact or alter the character of the properties or the immediate vicinity.
2. The proposed map amendments are supported by and consistent with **Policy 105.1.4** which will ultimately make the uses of the subject property (00117510.000200) consistent with the land use and future land use classification of permitted uses of the MC Designation and the adjacent property (00117510.000100) consistent with the ownership and use of the C Designation.

BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support the decision to **APPROVE** the request of the Planning

Department for the proposed Future Land Use Map amendment from Conservation (C) to Mixed Use/Commercial (MC) for parcel 00117510.000200 and the neighboring parcel (00117510.000100) from Residential Conservation (RC) to Conservation (C) for properties located at 25 66 27 Sugarloaf Key Part Government Lot 5 AKA lots 2 and 3 Block 1, Sugarloaf Acres Section One, Sugarloaf Key, Florida having Real Estate numbers 0017510.000100 and 00117510.000200

PASSED AND ADOPTED by the Development Review Committee of Monroe County, Florida, at a regular meeting held on the 10th day of March, 2005.

Aref Joulani, Senior Administrator of DR and Design	<u>YES</u>
Heather Beckmann, Planner	<u>YES</u>
David Dacquisto, Island Planning Director	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE
MONROE COUNTY, FLORIDA

BY: _____
Aref Joulani, Senior Administrator of Development Review and Design

Signed this _____ day of _____, 2005